

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION

JOHN DOE)
)
Plaintiff,)
)
vs.) Cause No. 3:21-cv-00144-JRS-MPB
)
UNIVERSITY OF SOUTHERN)
INDIANA)
)
Defendant.)

DENIED as MOOT.
Amended Complaint
filed on October 18,
2021.
TWP
11/15/2021

DEFENDANT'S MOTION TO DISMISS

Defendant University of Southern Indiana (“USI”), by counsel, moves under Federal Rule of Civil Procedure 12(b)(6) for entry of an order of dismissal of Counts II, III, and IV of Plaintiff’s Complaint on the following grounds: Count II fails to state a Title IX claim for deliberate indifference because John Doe does not allege that he experienced and reported sexual harassment. Counts III and IV fail to state a Section 1983 claim on which relief may be granted against USI because USI is not a “person” within the meaning of 42 U.S. Code § 1983.

A brief in support of this motion is filed herewith.

Dated: October 13, 2021

Respectfully submitted,

/s/ William P. Kealey
William P. Kealey (Attorney No. 18973-79)
Joseph H. Harrison III (Attorney No. 35248-53)
STUART & BRANIGIN LLP
300 Main Street, Suite 900
P.O. Box 1010
Lafayette, IN 47902-1010
Telephone: 765-423-1561
Facsimile: 765-742-8175
Email: wpk@stuartlaw.com
jhh@stuartlaw.com
Attorneys for Defendant
University of Southern Indiana